

RECEIVED

OCT 07 2002

TECH CENTER 1600/2900



### Amendment comparisons

#### Disclosure:

--An essential ingredient of the premix is a preservative, suitably an antimicrobial paraben preservative such as those sold under the trade names Phenova W90, Phenoben W90, and Phenonip, by Georges Walther AG, or a mixture of phenoxyethanol, with one or more of methyl-, ethyl-, propyl-, and butylparaben. Other cosmetic preservatives such as iodopropinyl butylcarbamate, PEG-4 laurate, PEG-4 dilaurate can also be used. The concentration of the preservative is suitably from about 0.1% to about [0.1%] 0.7% wt. based on the formulation. Imidazolidinyl urea, suitably at a concentration of from about 0.1% to about 0.7% wt. based on the total formulation is also an essential ingredient along with the preservative.--

#### Claims:

1. A process for producing a premix for a dairy-based cosmetic product, which comprises preparing a premix by mixing whey powder with a water or pasteurized or unpasteurized liquid whey carrier, heating the resulting mixture, then cooling the heated mixture, adding a preservative and imidazolidinyl urea to the mixture prior to or after heating to complete preparation of the premix.



*Sup Copy*

Corres. and Mail

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**BOX AF**

Application of Hanspeter Reust

GAU 1619  
Examiner G. Y

**RECEIVED**  
OCT 07 2002  
TECH CENTER 1600/2900  
*10/11/02*

Ser. No. 09/897,229

Filed on July 2, 2001

For DAIRY BASED COSMETIC PRODUCT, etc.

**EXPEDITED PROCEDURE**

Attorney's Docket 1177-001A

**Box AF**

Commissioner of Patents  
Washington DC 20231

Sir:

*0 K  
10/24/02*

**RESPONSE**

Please extend the term for response by 1 month, now to expire on October 20, 2002. Please charge the \$55 fee to deposit account No. 60923.

The outstanding Office letter was made final prematurely, because applicant's previous amendment did not necessitate a new search and the citation of new references. The examiner's statement to that effect is therefore in error. The newly cited references were used in rejecting claims 20 and 21. These claims are not new, because they are virtually identical to deleted claims 15 and 16 which they replaced with only a minor spelling correction in each. Hence it was clearly not the applicant's amendment that necessitated the citation of new references for the first time, and the finality of the outstanding action is premature and should be withdrawn.

If the examiner persists in maintaining the finality of the rejection, then it is requested that this document be promptly treated as a petition to the Group Director for withdrawing the premature finality of the outstanding action.

Please amend the disclosure as follows:

10/04/2002 AWONDAF1 00000159 060923 09897229

01 FC:215 55.00 CH